



**REMARKS/ARGUMENTS**

The Office Action mailed December 23, 2005 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 3, 8, 18, 23, 25, 45, 47 and 67 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, paragraphs [0014] – [0019]. The text of claims 4-7, 9-17, 19-22, 26-44, 48-66, 68 and 69 is unchanged, but their meaning is changed because they depend from amended claims.

Claims 2, 24 and 46 have been canceled, without prejudice or disclaimer of the subject matter contained therein.

New claims 68 and 69 also particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims may be found in the specification, page 14, paragraph [0029].

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 8 and 18 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention.

Claims 8 and 18 have been amended and Applicant respectfully maintains that these claims are now in condition for allowance.

The 35 U.S.C. § 102 Rejection

Claims 45 and 67 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Powerware9170<sup>1</sup>. This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>2</sup>

Powerware9170 fails to teach or suggest “monitoring the electrical condition of a group of two or more of the plurality of power supplies” or “communicating the state of the group of two or more of the plurality of power supplies to a user” as claimed in Claim 45 as amended. Specifically, Powerware9170 teaches the monitoring of individual power supplies only and does not teach or suggest the monitoring of groups of power supplies. As stated in the Specification,

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<sup>1</sup> Powerware Corporation, *Powerware 9170+ User's Guide*, , Rev. A, 2002

<sup>2</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

paragraph [0019], “monitor circuit 16 monitors not only the individual characteristics of each modular power supply, the monitor circuit 16 can also monitor the power characteristics of specific groups of power supplies.” Since Powerware9170 fails to teach or suggest this feature, Applicant respectfully submits that Claim 45 is in condition for allowance.

Independent Claim 67 contains elements similar to that as described above with respect to Claim 45. Applicant therefore respectfully asserts that Claim 67 is also in condition for allowance.

#### The First 35 U.S.C. § 103 Rejection

Claims 1-18, 23-40 and 46-62 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Powerware9170 in view of ConnectUPS<sup>3</sup> among which claims 1 and 23 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.<sup>4</sup>

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Powerware9170 except that Powerware9170 does not teach a third

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<sup>3</sup> Powerware Corporation, *Powerware ConnectUPS SNMP Adapters Brochure*, February 2000

<sup>4</sup> M.P.E.P § 2143.

circuit, responsive and coupled to the second circuit, that communicates the state of one of the plurality of power supplies to a user.<sup>5</sup> The Office Action further contends that ConnectUPS teaches a third circuit and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate ConnectUPS into Powerware9170. The Applicants respectfully disagree for the reasons set forth below.

Neither Powerware9170 nor ConnectUPS teaches or suggests “a second circuit, responsive and coupled to the plurality of first circuits, that identifies a state associated with a group of two or more of the plurality of power supplies” or “a third circuit, responsive and coupled to the second circuit, that communicates the state of the group of two or more of the plurality of power supplies to a user” as claimed in Claim 1. Specifically, Powerware9170 teaches the monitoring of individual power supplies only and does not teach or suggest the monitoring of groups of power supplies. ConnectUPS merely teaches a monitoring system for power supplies in general. As stated in the Specification, paragraph [0019], “monitor circuit 16 monitors not only the individual characteristics of each modular power supply, the monitor circuit 16 can also monitor the power characteristics of specific groups of power supplies.” Since neither Powerware9170 nor ConnectUPS nor their combination teach or suggest this feature, Applicant respectfully submits that Claim 1 is in condition for allowance.

Independent claim 23 contains elements similar to that as described above with respect to Claim 1. As such, Applicant respectfully submits that Claim 23 is also in condition for allowance.

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<sup>5</sup> Office Action ¶ 7.

As to dependent claims 2-18, 24-40 and 46-62, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 19-22, 41-44 and 63-66 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Powerware9170/ConnectUPS, as applied to Claims 1, 23 and 45 above, and further in view of LanSafe<sup>6</sup>. This rejection is respectfully traversed.

As to dependent claims 19-22, 41-44 and 63-66, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

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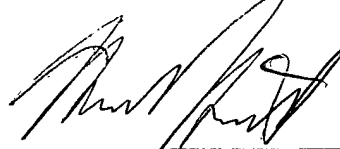
<sup>6</sup> Powerware Corporation, *LanSafe III & FailSafe III Power Management Software Brochure*, October 1999

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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